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Snepp, Frank  
Random House

## LETTERS

### Bernstein on the Snepp Case

In an act that I find abhorrent and contrary to the American democratic system, Griffin Bell, Attorney General of the United States, moved Feb. 15 to sue Frank Snepp, author of "Decent Interval," a book published three months ago by Random House. The government's lawsuit alleges that Mr. Snepp, a former CIA agent, broke his contract with the CIA and "unjustly enriched" himself by not submitting his book to the Agency for review prior to publication.

In the months to come there will be many legal statements about the Snepp case. I am not a lawyer. I write as a publisher and a private citizen, and as one who is deeply concerned at the erosion of our constitutionally guaranteed liberties.

Let there be no mistake about what is at issue here. The democratic principle requires participation of the people in the government, which is the creature and servant of the people. It is the people's right, indeed duty, to monitor the government's performance. Only if the public has access to information—both the good and the bad—can it judge, support, and if necessary cleanse the system. The espionage law rightly insures that highly sensitive matters involving national security cannot be revealed to the public. With that one legal exception, it is essential to the health of the American democracy that the people know what has happened. And this is what Frank Snepp made possible when he told the story of the American débâcle during the last days of Vietnam.

I believe that Attorney General Bell and President Carter have made a grievous error in trying to punish Mr. Snepp for his courageous effort to inform the American people. . . . This suit, if upheld by the courts, will do real harm to the First Amendment right of freedom of speech and of the press.

One day after his Attorney General announced that he would sue Mr. Snepp, the President said he will support a law to protect "whistleblowers" in government. The contrast between these two actions is stunning. The latter is desirable; were it not for such whistleblowers, the CIA would not be going through its current reorganization. But wouldn't it be ludicrous if the President chose (as now seems apparent from the Snepp case) to protect all whistleblowers *except* those in the CIA.

Before Mr. Snepp resigned from the CIA, he first requested the Agency's permission to write an internal report of the final days in Vietnam. He believed it was essential that the true story of what happened be known, so that a repetition of the mistakes that were made could be avoided. The Agency ignored him. Mr. Snepp had to stand by as the Agency selectively leaked information to the press that gave, in his judgment, a false picture of the end of the war. Only then did Mr. Snepp begin work on his book.

He became convinced that if he submitted his book to the CIA for prior review, much of what was in it would be suppressed—not because it jeopardized national security, but because it challenged the "official" version of the facts. Mr. Snepp decided that the only way to fully inform the American people was to take his manuscript directly to a publisher. When Random House received the book, we read it carefully many times, checking to make sure that we violated no law and—convinced that the book was an important work of contemporary history, and that it should be made a part of the public record—we published it as expeditiously as possible.

In deciding to sue Mr. Snepp, the President and his Attorney General are, I believe, sending a message to the American people, to American publishers, and to future Frank Snepps. It says: If you are an American citizen working for our government and you see things being done that you consider wrong, follow your contract and not your conscience.

One must ask what would be known today about Watergate, My Lai, and self-dealings at the highest levels of government, including the Federal Bureau of Investigation, if that standard governed the flow of information to our citizens. . . .

The leaders who were in power during the Vietnam period have signed enormous publishing contracts to tell their stories of what happened during that time. . . . None of these men, each of whom had far more sensitive information at his fingertips than Mr. Snepp, will have to submit his book for review to the CIA or anyone else. One must ask why there should be two kinds of government employees—the higher-ups who publish with impunity, and the lower-level officials, whom the government seeks to silence by lawsuit. . . .

In our judgment as publishers, the conflicting accounts of the last days of Vietnam should be debated in public. We believe that the publication of "Decent Interval" contributes to that debate in the most constructive and responsible way. . . .

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Chairman and President  
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